

## Privacy guidance when selecting third-party apps to receive your information

We are required to provide you with access to detailed information about your health history through a “Patient Access API.” You may access this information by downloading an app on your smartphone, tablet, computer, or other similar device. The information available through the Patient Access API includes information we collect about you while you have been enrolled in your health plan. The information includes the following information while we maintain it in our records:

- Claims and “encounter” data<sup>1</sup> concerning your interactions with health care providers; and
- Clinical data that we collect in the process of providing case management, care coordination, or other services to you.

**The information we will disclose may include information about treatment for substance use disorders, mental health treatment, HIV status, or other sensitive information.**

We want you to know the app you choose will have access to **all** of your information. The app is **not** subject to the HIPAA Rules, which generally protect your health information. Instead, the app’s privacy policy describes self-imposed limitations on how the app will use, disclose, and (possibly) sell information about you. It is important for you to know once we send your data to the app, we no longer control how the app uses or shares your information. If you decide to access your information through the Patient Access API, you should carefully review the privacy policy of any app you are considering using to ensure you are comfortable with what the app will do with your information.

Things you may wish to consider when selecting an app:

- Will this app **sell** my data for any reason?
- Will this app **disclose** my data to third parties for purposes such as research or advertising?
- How will this app **use** my data? For what purposes?
- Will the app allow me to limit how it uses, discloses, or sells my data?
- If I no longer want to use this app, or if I no longer want this app to have access to my health information, can I terminate the app’s access to my data? If so, how difficult will it be to terminate access?
- What is the app’s policy for **deleting** my data once I terminate access? Do I have to do more than just delete the app from my device?

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<sup>1</sup> Some providers send us Encounter data about your health care, such as information about your office visits, in cases where they do not send us a claim.

- How does this app inform users of changes in its privacy practices?
- Will the app collect non-health data from my device, such as my location?
- What security measures does this app use to protect my data?
- What impact could sharing my data with this app have on others, such as my family members?
- Will the app permit me to access my data and correct inaccuracies? (Note that correcting inaccuracies in data collected by the app will not affect inaccuracies in the source of the data.)
- Does the app have a process for collecting and responding to user complaints?

If the app's privacy policy does not satisfactorily answer these questions, you may wish to reconsider using the app to access your health information. Your health information may include very sensitive information. You should therefore be careful to choose an app with strong privacy and security standards to protect it. If the app does not have a privacy policy, you may want to consider not using the app.

### **Covered entities and HIPAA enforcement**

The U.S. Department of Health and Human Services' Office for Civil Rights (OCR) enforces the HIPAA Privacy, Security, and Breach Notification Rules. We are subject to HIPAA as are most health care providers, such as hospitals, doctors, clinics, and dentists. You can find more information about your rights under HIPAA and who is obligated to follow HIPAA here: <https://www.hhs.gov/hipaa/for-individuals/index.html>. To learn more about filing a complaint with OCR related to HIPAA requirements, visit: <https://www.hhs.gov/hipaa/filing-a-complaint/index.html>. You may also file a complaint with us by contacting the Member Services phone number on your member ID card.

### **Apps and privacy enforcement**

An app generally **will not** be subject to HIPAA. An app that publishes a privacy notice is required to comply with the terms of its notice, but generally is not subject to other privacy laws. The Federal Trade Commission Act protects against deceptive acts (such as an app that discloses personal data in violation of its privacy notice). An app that violates the terms of its privacy notice is subject to the jurisdiction of the Federal Trade Commission (FTC). The FTC provides information about mobile app privacy and security for consumers here: <https://www.consumer.ftc.gov/articles/0018-understanding-mobile-apps>.

If you believe an app inappropriately used, disclosed, or sold your information, you should contact the FTC. You may file a complaint with the FTC using the FTC complaint assistant: <https://www.ftccomplaintassistant.gov/#crnt&panel1-1>. You may also wish to consider deleting the app.

## Receive help in your language

Curious to know what all this says? We would be too. Here's the English version:

You have the right to receive this information and help in your language for free. Call the Member Services number on your ID card for help. (TTY/TDD: 711)

Separate from our language assistance program, we make documents available in alternate formats for members with visual impairments. If you need a copy of this document in an alternate format, please call the Member Services telephone number on the back of your ID card.

### Spanish

Tiene el derecho de obtener esta información y ayuda en su idioma en forma gratuita. Llame al número de Servicios para Miembros que figura en su tarjeta de identificación para obtener ayuda. (TTY/TDD: 711)

### Chinese

您有權使用您的語言免費獲得該資訊和協助。請撥打您的 ID 卡上的成員服務號碼尋求協助。(TTY/TDD: 711)

### Vietnamese

Quý vị có quyền nhận miễn phí thông tin này và sự trợ giúp bằng ngôn ngữ của quý vị. Hãy gọi cho số Dịch Vụ Thành Viên trên thẻ ID của quý vị để được giúp đỡ. (TTY/TDD: 711)

### Korean

귀하에게는 무료로 이 정보를 얻고 귀하의 언어로 도움을 받을 권리가 있습니다. 도움을 얻으려면 귀하의 ID 카드에 있는 회원 서비스 번호로 전화하십시오. (TTY/TDD: 711)

### Tagalog

May karapatan kayong makuha ang impormasyon at tulong na ito sa ginagamit ninyong wika nang walang bayad. Tumawag sa numero ng Member Services na nasa inyong ID card para sa tulong. (TTY/TDD: 711)

### Russian

Вы имеете право получить данную информацию и помощь на вашем языке бесплатно. Для получения помощи звоните в отдел обслуживания участников по номеру, указанному на вашей идентификационной карте. (TTY/TDD: 711)

## Arabic

يحق لك الحصول على هذه المعلومات والمساعدة بلغتك مجاناً. اتصل برقم خدمات الأعضاء الموجود على بطاقة التعريف الخاصة بك للمساعدة. (TTY/TDD: 711)

## Armenian

Դուք իրավունք ունեք Ձեր լեզվով անվճար ստանալ այս տեղեկատվությունը և ցանկացած օգնություն: Օգնություն ստանալու համար զանգահարեք Անդամների սպասարկման կենտրոն՝ Ձեր ID քարտի վրա նշված համարով: (TTY/TDD: 711)

## Farsi

شما این حق را دارید که این اطلاعات و کمکها را به صورت رایگان به زبان خودتان دریافت کنید. برای دریافت کمک به شماره مرکز خدمات اعضاء که بر روی کارت شناسایی تان درج شده است، تماس بگیرید.

(TTY/TDD: 711)

## French

Vous avez le droit d'accéder gratuitement à ces informations et à une aide dans votre langue. Pour cela, veuillez appeler le numéro des Services destinés aux membres qui figure sur votre carte d'identification. (TTY/TDD: 711)

## Japanese

この情報と支援を希望する言語で無料で受けることができます。支援を受けるには、IDカードに記載されているメンバーサービス番号に電話してください。(TTY/TDD: 711)

## Haitian

Ou gen dwa pou resevwa enfòmasyon sa a ak asistans nan lang ou pou gratis. Rele nimewo Manm Sèvis la ki sou kat idantifikasyon ou a pou jwenn èd. (TTY/TDD: 711)

## Italian

Ha il diritto di ricevere queste informazioni ed eventuale assistenza nella sua lingua senza alcun costo aggiuntivo. Per assistenza, chiami il numero dedicato ai Servizi per i membri riportato sul suo libretto. (TTY/TDD: 711)

## Polish

Masz prawo do bezpłatnego otrzymania niniejszych informacji oraz uzyskania pomocy w swoim języku. W tym celu skontaktuj się z Działem Obsługi Klienta pod numerem telefonu podanym na karcie identyfikacyjnej. (TTY/TDD: 711)

Punjabi

ਤੁਹਾਨੂੰ ਆਪਣੀ ਭਾਸ਼ਾ ਵਿੱਚ ਇਹ ਜਾਣਕਾਰੀ ਅਤੇ ਮਦਦ ਮੁਫ਼ਤ ਵਿੱਚ ਪ੍ਰਾਪਤ ਕਰਨ ਦਾ ਅਧਿਕਾਰ ਹੈ। ਮਦਦ ਲਈ ਆਪਣੇ ਆਈਡੀ ਕਾਰਡ ਉੱਤੇ ਮੈਂਬਰ ਸਰਵਿਸਿਜ਼ ਨੰਬਰ ਤੇ ਕਾਲ ਕਰੋ। (TTY/TDD: 711)

Navajo

Bee ná ahoot'i' t'áá ni nizaad k'ehjí níká a'doowol t'áá jík'e. Naaltsoos bee atah níníngíí bee néého'dólzingo nanítinígíí béésh bee hane'i bikáá' ááj' hodiílnih. (TTY/TDD: 711)

### **It's important we treat you fairly**

That's why we follow federal civil rights laws in our health programs and activities. We don't discriminate, exclude people, or treat them differently on the basis of race, color, national origin, sex, age or disability. For people with disabilities, we offer free aids and services. For people whose primary language isn't English, we offer free language assistance services through interpreters and other written languages.

### **Interested in these services?**

Call the Member Services number on your ID card for help (TTY/TTS/TDD: 711). If you think we failed to offer these services or discriminated based on race, color, national origin, age, disability, or sex, you can file a complaint, also known as a grievance. You can file a complaint with our Compliance Coordinator in writing to Compliance Coordinator, P.O. Box 27401, Mail Drop VA2002-N160, Richmond, VA 23279. Or you can file a complaint with the U.S. Department of Health and Human Services, Office for Civil Rights at 200 Independence Ave. SW; Room 509F, HHH Building; Washington, DC 20201 or by calling 800-368-1019 (TDD: 800-537-7697) or online at <https://ocrportal.hhs.gov/ocr/portal/lobby.jsf>. Complaint forms are available at <http://www.hhs.gov/ocr/office/file/index.html>.